

**REMARKS**

Claims 11-30 are pending in the application. Claims 11-23 have been examined in view of the finality of the election/restriction requirement. Claim 11 is independent.

Applicants thank the Examiner for acknowledging that claims 17 and 18 include patentable subject matter.

**The Claimed Invention**

The present invention relates to a refrigerating appliance comprising a storage compartment, a refrigerant circuit which serves to cool the storage compartment and contains a compressor, and a collecting receptacle for condensed water flowing out of the storage compartment. In an exemplary embodiment of the invention, the collecting receptacle can be heated by a heating device that can be independently operated by the operation of the compressor.

As such, the present invention provides a refrigerating appliance in which overflowing of the collecting tray can be reliably avoided, even if waste heat discharged from the compressor to the drip tray is low. The heating power supplied to the collecting tray can be supplemented by means of the independent heating device to the extent required to prevent overflowing.

**The Rejections under 35 U.S.C. § 102(b)**

Claims 11-16, 19 and 20 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Tsukamoto (JP 08271120). Applicants respectfully traverse these rejections.

Independent claim 11 recites, *inter alia*, “a heating device heating the collecting

receptacle and *being operated independently* from the operation of the compressor.” The grounds of rejection state that Tsukamoto discloses a refrigerator having an evaporating pan capable of performing a fast evaporation of defrosted water. Referring to the Figures, the grounds of rejection state that refrigerator 10 comprises storage compartment, compressor 18, evaporating pan 22, heating devices 28, 138, 328, 438, water level sensors 30 and controller 32. The grounds of rejection allege that the heating device is periodically operated by the controller and the signal from the water level device. Applicants respectfully submit that Tsukamoto teaches at paragraph [0025] using the sensor based on a calculation of heat generated from the compressor and the defrosting period of the condensator 20. As such, any heating device of Tsukaamoto is not operated independently from the operation of the compressor as claimed in the present invention.

Further, claim 14 recites that “the heating device is arranged on a wall of the collecting receptacle.” Tsukamoto discloses at paragraph [0023] that near heater wires are arranged crooked in a plate-like manner in the evaporating dish 22. As such, Tsukamoto does not suggest the feature of claim 14.

Claims 11, 12, 16 and 19-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ichimura et al. (JP 08035757). Applicants respectfully traverse these rejections.

Independent claim 11 recites, *inter alia*, “a heating device heating the collecting receptacle and *being operated independently* from the operation of the compressor.” The grounds of rejection state that Ichimura et al. disclose a device to evaporate defrosting water of a refrigerator. The refrigerator comprises a storage compartment 23, 23, compressor 6, 72, 95, evaporating pan 27, heating device 65 and controller 33 to operate heating device. However, the grounds of rejection do not indicate any teaching by Ichimura et al. of the heating device being operated

*independently from the compressor* as in the present invention. As such, the claims distinguish from Ichimura et al.

**The Rejections under 35 U.S.C. § 103**

Claims 11 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Philipp (U.S. Patent Number 2,315,222) in view of Tsukamoto (JP 08271120). Applicants respectfully traverse these rejections.

The grounds of rejection state that Philipp discloses an evaporating pan 90 integrated with compressor 92 as shown in Fig.5 and acknowledges that Philipp does not disclose a heating device. Yet, the grounds of rejection allege that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Philipp with additional heating device in view of Tsukamoto so as to increase evaporation speed and avoid overflow problem. Applicants respectfully submit that one of ordinary skill in the art would not look to Philipp for incorporation of a heating device or other structure. Indeed, Philipp teaches away from this. Philipp teaches at col. 1, lines 10-15 that one object of its invention is to arrange for the drainage of the moisture from a collecting pan which is so arranged such that the pan can be easily and quickly removed from its support without necessitating attention to the drainage connection. Incorporation of any such heating apparatus into Philipp would negate this object of the invention. As such, claims 11 and 23 distinguish from the combination of Philipp and Tsukamoto.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of claims 11-30 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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